

REMARKS

Claims 1, 3, 5, 9, 10, 12-16, 19, 20, 24-29, and 30-35 are pending. By entry of this amendment, claims 1, 3, 5, 9, 10, 12, 13, 15, 16, 19, 20, 24-35 have been amended. New claims 36-38 have been added. In view of the foregoing amendments and following remarks, Applicants respectfully request allowance of the application.

Applicants note that the Office Action Summary indicates that the outstanding Office Action is a final Office Action. However, it is Applicants' understanding that the present Office Action is a first Office Action in response to a Request for Continued Examination, and that the Office Action Summary should have indicated the outstanding Office Action as a Non-final Office Action. Applicants respectfully ask that the finality of the Office Action be withdrawn.

The Examiner is thanked for the courtesies extended to the Applicant's representative during the telephone interview held on October 18, 2007. In the telephone interview, Applicant's representative explained that the Joao patent is directed to a credit card security and unauthorized use system, and not to a postal device and system. The Examiner agreed that the amendments submitted herein would appear to overcome the Joao patent because the Joao patent does not refer to or suggest a postal device or system.

Applicant's independent claim 1 recites, in combination with other steps, when the present location of the postal device is within the predetermined region, transmitting to the postal device from the remote server an authorization to use the funds stored in the postal device to produce postage indicium. Independent claim 16 recites, among other features, a location generator for generating present location information of the postal device. Claim 20 recites, among other features, a location generator for generating present postal drop off location information of the local device. New claim 36 also recites, in combination with other features, a location generator that provides a location signal indicating the location of the device to the remote server via the communication port and the host processor.

Claim Rejections Under 35 USC § 103(a)

Claims 1, 5, 9, 10, 12-16, 20, 25-27, 30 and 35 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Joao et al., (US 6,047,270). The Joao patent is directed to preventing unauthorized use of a credit card or controlling the spending limits of a credit card that is given to a authorized user, for example, preventing purchases greater than two hundred dollars. This is accomplished by alerting a person who is responsible for the card about a pending transaction that meets certain predetermined criteria. The transaction is submitted to a central processor through a point-of-sale device. The central processor sends a signal to a communications device of the person and asks for the person's approval. If the person signals approval through the communications device to the central processor, the central processor will signal the point-of-sale device to approve the transaction. Otherwise, the transaction is not approved. See generally Joao col. 4, line 44 - col. 5, line 8, lines 18.

Joao does not disclose a postal device. Nor does it disclose a postal device that stores funds, nor a system for controlling the disbursement of such funds as postal indicia based upon the determined location of the postal device or the use of a license received from a remote server.

In rejecting claim 1, the Office Action states "upon power-up of the device, immediately transmitting from the device to a remote system the system present location of the device, wherein the present location information of the device is transmitted automatically by the device without any user interaction (Col. 12, lines 14-21, shows automatic/self activation of the apparatus w/Col. 66, shows apparatus is programmed to automatically transmit transaction data, w/Col. 7, lines 1-7 and col. 20, lines 23-29, shows data that is transmitted to communication device includes location of the transaction.)"

In fact, col. 12, lines 14-21 states: "The information and/or data which is transmitted from the central processing computer, and received at the communication device, may be displayed to the cardholder on a display device of the communication device. The information displayed on the display device may include the name of the store or the service provider, the

amount of the transaction, the time of the transaction and the location of the transaction." Nothing in this citation discloses a postal device as recited in the claims. Rather, it states that the location of the pending transaction can be transmitted to the cardholder. This could be relevant for the purposes of Joao, because if a cardholder in New York is informed that a transaction using her credit card is presently pending in Minnesota, the cardholder may interpret this as an indication of fraud and refuse to authorize the transaction to the central processor. This is entirely irrelevant to claimed invention. None of the devices in Joao correspond to a postal device. The communications device of Joao is, for example, a cell phone. The central processor is a computer that alerts a cardholder with information about a pending transaction and seeks authorization. The point-of-sale device is the conduit through which information about the pending transaction is conveyed to the central computer. None of these is a postal device. Nothing in Joao discloses a postal device that stores funds whose disbursement into postal indicia is controlled on the basis of the determined location of the postal device.

The other sections of Joao cited in the Office Action are equally irrelevant to the claimed invention. Col. 12, lines 14-21 states that "the apparatus and method of the present invention may also be programmable for programmed and/or automatic activation..." This does not disclose a postal device that automatically sends a location signal to a remote server when the postal device is turned on. Col. 7, lines 1-7 and col. 20, lines 23-29 refer to sending the location of the pending transaction to the communications device. The location of a pending transaction in Joao is the location of the point-of-sale device. A point-of-sale device is not a postal device. A point-of-sale device does not store funds, it does not disburse funds as postal indicia useful for indicating an amount paid to deliver a mailpiece and does not share many other features of a postal device. The same can be said of the other two devices of Joao, the central processor and the communications device.

Applicants respectfully submit that the Office Action does not indicate which device in the Joao patent is the postal device and which is considered the remote server as recited in Applicant's independent claims. Furthermore, the feature of a location generator is not clearly identified in the Office Action. At page 7, in the rejection of claim 13, the Office Action recites

column 8, lines 35-43 of the Joao patent as allegedly disclosing a locator system. However, this cited portion refers to a credit card that is limited or restricted to the amounts and/or types of transactions and/or the goods or services, which may be purchased with the card and the stores or service providers, which may be authorized to accept the card and also limits the dollar amounts of transactions to each authorized vendor, seller and/or service provider and/or the geographical area of location to which authorized use may be limited. This disclosure is not directed to the cited communication device or to any other device for the matter, but to limits that are placed on the credit card.

Accordingly, Applicant respectfully submit that the Joao patent does not disclose or suggest all of the features recited in Applicant's independent claims, and that one of ordinary skill in the art would not be apprised of the apparent reason to modify the Joao patent to arrive at the features recited in Applicant's independent claims. Applicant respectfully request withdrawal of the rejections of claims 1, 5, 9, 10, 12-16, 20, 25-27, 30 and 35 over the Joao patent.

Claims 3, 19, 24, 28, 29, 31, 32, 33, and 34 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Joao et al., (US 6,047,270) as previously cited by the Examiner on July 6, 2005, and furthering view of Eddy et al., (US 5,812,400), as previously cited by the Examiner on January 13, 2006. The Eddy patent is cited for its disclosure of postal meters that are licensed to operate in a particular location in that the user must communicate with a postal carrier to request a license. However, the Eddy patent does not overcome the deficiencies of the Joao patent as described above.

Furthermore, the deficiencies of the Eddy patent were addressed in Applicant's previous Response. In particular, it was argued that the Eddy patent requires a user to initiate communications between a metering device and a remote data center places substantial burdens on the user to interact with the metering device.

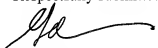
Applicant's respectfully submit that the Eddy patent does not overcome the deficiencies of the Joao patent. The Joao patent and the Eddy patent, either individually or in combination, do not disclose or suggest all of the features recited Applicant's independent claims. Accordingly, the rejection of claims 3, 19, 24, 28, 29 and 31-34 under the combination of Joao and Eddy should be withdrawn.

CONCLUSION

In view of the foregoing, the Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 202-481-9900.

Respectfully submitted,



Gary S. Morris
Reg. No. 40,735

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 202-434-8200
Fax: 415-576-0300
Attachments
GSM
61277227 v1